

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

AITHENT, INC.,

Plaintiff,

Case No. 4:11-CV-00173-GAF

-against-

THE NATIONAL ASSOCIATION OF INSURANCE
COMMISSIONERS,

Defendant.

**PLAINTIFF'S OBJECTIONS AND CROSS-DESIGNATIONS TO NAIC'S CASE-IN-
CHIEF DEPOSITION DESIGNATIONS**

Plaintiff Aithent, Inc. objects to the deposition designations of Defendant and cross-
designates as indicated below:

DEPOSITION OF WILLIAM BANDON

NOVEMBER 27, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
7: 18-20		
14:15-16:9		
17:5-19:8		
21:3-18		
24:22-25:7		
30: 12-32:1		
32:18-33:12		
34:1-25		
37:13-17		
38: 10-25		
44:5-45:12		

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
46:9-16	Completeness	46:17-47:8
47:9-48:2		
48:6-9		
48:14-16		
48:18-49:17		
70:15-71:1		
89: 18-90:25		
102:5-21		
103:6-104:12		
114:20-25		
116:1-20		
164:16-165:11		
165: 17-19		
165:21-166:9		
174:4-24	Completeness	
175:23-176:8		
211:4-17		
215: 13-25		174:25-175:22

DEPOSITION OF N. VENU GOPAL

Plaintiff Aithent, Inc. objects to designation of any and all of N. Venu Gopal's deposition testimony on the ground that Mr. Gopal will testify in person at the trial. Subject to this general objection, Aithent objects to the following designations as indicated below:

SEPTEMBER 12, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
7:15-20		
11:16-13:18		13:19-14:2
18:10-19:12		19:13-20:4

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
20: 5-10		20:11-22:2
23:11-30:24		
41:16-43:22		
47:10-48:2		
56:6-17		30:25-31:20
61:3-72:8	Relevance, unfairly prejudicial	
73:7-74:6	Relevance, unfairly prejudicial	
77:12-17		
77:24-82:20		
83:23-86:3	Relevance, unfairly prejudicial	
103:5-22	Completeness	103:23-104:21
104:22-105:17	Completeness	105:18-108:13
108:14-109:16		
113:2-114:19	Completeness	114:20-115:13
115: 14-20	Completeness	115:21-116:15
118:22-119:11		
121:6-10	Completeness	121:11-22
123:4-124:19		
133:23-136:4	Completeness	136:5-20
136:21-137:10		
144:5-145:2	Completeness	145:3-148:8
154:13-155:2		
158:4-160:19	Completeness	160:20-161:12
161:13-164:6		
166:4-168:13		
171:22-175:5	Completeness	175:6-176:12
176:13-177:22	Completeness	177:23-180:7
182:14-183:5		
191:8-13		
192:9-14		
193:9-195:5	Foundation	

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
201:9-203:18	Completeness	203:19-204:18
204: 19-206:7		
208:23-217:22	211:6-17: compound, assumes facts not in evidence 213:14-25: best evidence 214:1-10: calls for legal conclusion 214:16-215:11: best evidence 216:21-217:22: best evidence	
218: 12-223:25	all: completeness 221:20-222:4: mischaracterizes testimony 222:17-223:4: assumes facts not in evidence, mischaracterizes document 223:5-12: compound	224:1-225:7
226:22-227:10	Completeness	227:11-228:16
240:4-6		
241:3-248:2		
249: 12-258:2	249:24-250:10: best evidence 256:20-257:9: best evidence	
264: 12-266:24		
240:4-6	relevance	
241:3-248:2		
249:12-258:2		
264:12-266:24	Relevance, unfairly prejudicial	

SEPTEMBER 13, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
279:5-280:8		
281:2-282:3		
288:7-289:20		
292: 16-21		

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
293:4-5		
294:3-297:11		
300:2-303:4		
307:13-311:2		
311:3-313:17		
314:12-24		
329: 16-330:24		
331:23-332:19		
350:9-23		
354:7-356:24		
356:25-359:10		
363:21-365:19		
382:11-391:5		388:7-389:23
392:18-393:18		393:19-394:5
394:6-9		
394:13-402:24	397:19-398:04: relevance, unduly prejudicial	399:2-23
404:14		
404:25-410:6		
414:2-425:11		
435:21-440:11		
441:17-446:25	Relevance, unfairly prejudicial	
448:8-453:4		
460:14-17		
462:3-463:6		
464:19-467:4	Relevance, unfairly prejudicial	
467:8-470:9	Relevance, unfairly prejudicial	

DEPOSITION OF ROGER GRAVES
OCTOBER 17, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
8:9-13	Hearsay	

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
12:1-13:6	Hearsay	
13:12-19:5	Hearsay	
32:5-33:5	Hearsay	
38: 18-42:23	Hearsay	
43:1-45:13	Hearsay	
49:1-52:4	Hearsay	
58:20-59:16	Hearsay	
59: 17-60:24	Hearsay	
61:13-67:4	Hearsay, completeness	If admitted: 67:5-70:20
71:21-74:6	Hearsay, 72:12-23: foundation, not responsive	
74:7-74:20	Hearsay	
74:21-76:25	Hearsay, 75:12-16: answer based on speculation	
77: 1-78:4	Hearsay	
78:5-84:10	Hearsay	
84:11-21	Hearsay	
85:9-12	Hearsay	
86: 15-87:2	Hearsay, completeness	If admitted: 87:3-12
87: 13-88:4	Hearsay	
105:3-108:5	Hearsay	
108:6-15	Hearsay	
108: 18-21	Hearsay, completeness	If admitted: 108:22-25
109:1-5	Hearsay	
109:16-111:5	Hearsay	
111:8-113:23	Hearsay	
116:3-5	Hearsay	
116:10-119:19	Hearsay	
120:3-15	Hearsay	
121:24-124:9	Hearsay	

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
124:18-126:20	Hearsay	
127:12-128:16	Hearsay, completeness	If admitted: 128:17-23
128:24-129:13	Hearsay	
129:14-131:24	Hearsay	
134:25-135:18	Hearsay, completeness	If admitted: 135:19-136:25
137:1-7	Hearsay	
137: 17-21	Hearsay	
139:13-141:8	Hearsay	
141:22-142:23	Hearsay	
147:23-148:13	Hearsay	
150:18-151:10	Hearsay	

DEPOSITION OF GARY GUMMIG
SEPTEMBER 27, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
245:4-250:1	Foundation	
250:3-252:19		
253:5-254:8		
254: 14-24		
255:2-22	Relevance, unfairly prejudicial	
256:8-258:11	Best evidence, relevance, unfairly prejudicial	
259: 1-262:3	Foundation, best evidence, relevance, unfairly prejudicial	
268:24-269:11		

DEPOSITION OF KAMAL HAIYDER
OCTOBER 3, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
6:11-13		
14:8-17		
15:18-16:5		
16:10-17:13		

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
19:24-20:8		
20: 18-21:18		
26:3-19		
34:9-35:8		
36:9-40:19		
41:6-10		
41:13-42:20		
44:2-45:13	Completeness	45:14-46:19
99:15-101:21		
105:10-15		
109:9-17		
115:4-117:21		
119:2-11		
119:15-120:18		
121:8-23		
122:12-17		

DEPOSITION OF ATUL MATHUR
AUGUST 24, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
6:11-17		
6:20-23		
7:21-8:16		
10:22-11:23		
15:24-16:19		
18: 13-24		
19:11-23		
21:3-16		
21:19-23		
24:2-18		
25:5-26:11		27:2-28:2

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
28:3-6		28:7-29:9
29: 10-21		
29: 24-30:20		
31:17-32:12		
33:14-18		
52:8-58:4	56:12-23: calls for legal conclusion	
60:5-20		
62:11-63:25		
67:6-68:25	Completeness	68:18-69:24
69:8-70:9		70:10-72:13
72:14-74:12		
74:18-75:25		
76:8-25		
77:7-82:24		
84:2-21		
85:4-12		
85:25-89:21		
92:5-9		92:23-25
93:1-14	Relevance	
94:22-95:21		94:15-21
107:8-119:6	relevance, unfairly prejudicial, foundation	
121:3-125:4	121:3-122:24: foundation 126:18-129:5: foundation, relevance	120:21-121:2
125:18-129:5	126:18-129:5: foundation, relevance	
130:2-12	foundation, relevance	
130:24-138:24	130:24-132:9: foundation, relevance 133:14-138:24: best evidence, foundation, relevance	

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
139:8-141:5		141:6-142:7
145:6-23	Foundation	
146:12-149:23		
150:14-157:12	150:14-152:12: foundation, relevance 156:23-157:12: relevance, unfairly prejudicial	
158:9-160:4	158:9-17: relevance, unfairly prejudicial	
160:14-169:22		
171:1-172:20	172:16-20: relevance	
173:5-185:9		
188:16-192:4	Best evidence	

OCTOBER 11, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
214:11-215:16 [11:12-13:16]		
223:12-230:11 [20:12-27:11]	224:5-225:3: Best evidence, foundation	230:12-232:13
241:4-244:7 [38:4-41:7]	foundation, relevance	If 241:4-244:7 admitted: 244:6-21
246:3-248:3 [43:3-45:3]	foundation, relevance	
248:13-253:20 [45: 13-50:20]	Relevance, unfairly prejudicial	
254:20-256:2 [51:20-53:2]	Relevance, unfairly prejudicial	If 254:20-256:2 admitted: 256:3-257:4
257:21-259:25 [54:21-56:25]	Relevance, unfairly prejudicial	If 257:21-259:25 admitted: 260:2-7
260:8-20 [57:8-20]	Relevance, unfairly prejudicial	
273:17-276:7 [70:17-73:7]		276:8-24
277:16-283:6 [74:16-80:6]	Relevance, unfairly prejudicial	
290:11-291:21 [87:11-88:21]	See Aithent Motion in Limine: calls for legal conclusion, foundation, relevance	If 290:11-291:21 admitted: 292:17-293:20

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
293:21-312:21 [90:21-109:21]	303:10-310:17: See Aithent Motion in Limine: calls for legal conclusion, foundation, relevance, unfairly prejudicial, vague	

DEPOSITION OF PRADEEP PRASAD
OCTOBER 4, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
6:11-13		
		33:20-34:3
		35:22-36:12
36: 13-21	Foundation	If admitted: 36:22-25
37:2-7	Foundation	
37:10-17		37:18-20
37:21-38:17		38:18-39:2
39:3-44:13	Foundation	If admitted: 44:14-24
46:12-48:19	46:12-19: Relevance, unfairly prejudicial	45:25-46:11
49:9-51:17	49:20-50:23: Relevance, unfairly prejudicial	
51:24-52:25		53:8-14
54: 14-55:20	Relevance, unfairly prejudicial	
55:24-57:18	Relevance, unfairly prejudicial	
57:22-60:6	Relevance, unfairly prejudicial	If admitted: 60:7-61:4
61:5-61:22	Relevance, unfairly prejudicial	If admitted: 60:7-61:4
62:2-63:16	Relevance, unfairly prejudicial	
63:20-64:12	Relevance, unfairly prejudicial	
64: 16-66:3	Relevance, unfairly prejudicial	If admitted: 66:4-10
66:11-67:10	Relevance, unfairly prejudicial	If admitted: 66:4-10, 67:11-68:17
70: 13-21	Relevance, unfairly prejudicial	
70:25-71:11	Relevance, unfairly prejudicial	

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
71:17-72:22	Relevance, unfairly prejudicial	If admitted: 72:23-73:4
73:5-73:23	Relevance, unfairly prejudicial	
76:20-78:2	Relevance, unfairly prejudicial	
78:23-79:8		
80:22-81:6	Relevance, unfairly prejudicial	
82:6-8	Relevance, unfairly prejudicial	
82:15-84:20	Relevance, unfairly prejudicial	
85:2-86:13	Relevance, unfairly prejudicial	If admitted: 88:9-20
89:3-91:21	Relevance, unfairly prejudicial	If admitted: 91:22-92:12
92:13-93:12	Relevance, unfairly prejudicial	If admitted: 93:13-22
93:23-96:7	Relevance, unfairly prejudicial	If admitted: 96:8-97:23
	94:22-95:7: calls for speculation	
97:24-98:5	Relevance, unfairly prejudicial	If admitted: 98:6-24
98:25-99:8	Relevance, unfairly prejudicial, incomplete	
100:12-101:17	Relevance, unfairly prejudicial	If admitted: 101:18-21
102:3-103:13	Relevance, unfairly prejudicial	If admitted: 103:14-104:13
104:14-19		
105:16-106:4	Relevance, unfairly prejudicial	If admitted: 106:5-14
106:15-109:13	Relevance, unfairly prejudicial	
109:17-111:10	110:14-20: calls for speculation, foundation	
113:17-114:6	Relevance, unfairly prejudicial	
116:3-6		
122:10-123:4		
123:8-125:19	124:9-13: hearsay 125:11-19: hearsay	
130:5-25	Relevance, unfairly prejudicial	If admitted: 131:2-6

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
131:7-134:14	132:4-11: Relevance, unfairly prejudicial 132:25-133:14: hearsay 133:20-25: Relevance, unfairly prejudicial, calls for speculation 134:2-8: no question posed 134:9-14: calls for speculation	
135:4-16	Relevance, unfairly prejudicial 135:4-8: question assumes fact not in evidence 135:9-16: foundation	
136:9-16	Relevance, unfairly prejudicial	If admitted: 135:17-20, 136:2-8
139:6-142:4	Relevance, unfairly prejudicial 139:12-18: compound question	
142:10-143:5	Relevance, unfairly prejudicial	
143:14-17	Relevance, unfairly prejudicial	If admitted: 143:6-13, 143:18-21
145:2-7	Relevance, unfairly prejudicial	
145:23-147:19	Relevance, unfairly prejudicial	
147:23-148:2	Relevance, unfairly prejudicial	
154:5-156:14	Relevance, unfairly prejudicial	If admitted: 156:15-157:7
157:22-158:10	Relevance, unfairly prejudicial	
158:19-160:10	Relevance, unfairly prejudicial	If admitted: 160:11-17
161:5-163:7	Relevance, unfairly prejudicial	
163:24-164:20	Relevance, unfairly prejudicial	If admitted: 163:8-22
170:4-25		
171:10-172:13		
		172:14-22

DEPOSITION OF THERESE VAUGHAN
OCTOBER 24, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
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<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
68:9-69:1	Hearsay	
72:21-74:1	Hearsay	
87: 15-23	Hearsay	
137:20-138:1	Hearsay	
138:21-25	Hearsay	
139:3-140:6	Foundation, completeness, hearsay	If admitted: 140:7-10

DEPOSITION OF MARYELLEN WAGGONER
DECEMBER 5, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
72:11-73:4	Hearsay, foundation, completeness	If admitted: 75:10-13
119:7-22		
122:8-10		
122:20-123:1		

DEPOSITION OF CATHY WEATHERFORD
NOVEMBER 27, 2012

<u>Deposition Designation:</u>	<u>Objection:</u>	<u>Cross-Designation:</u>
41:3-42:6	Hearsay	
42:9-15	Hearsay	
42:17-19	Hearsay	
42:22-43:7	Completeness, hearsay	If admitted: 43:8-45:14
169:3-12		
169:15-17		
169: 19-22	Completeness, hearsay	If admitted: 170:1-14

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served through the Court's ECF system and/or mailed, postage pre-paid, on this 14th day of May, 2013 to:

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